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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/647,273	08/26/2003	Hideki Honda	03500.017509.	2634

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EXAMINER

POPOVICI, DOV

ART UNIT	PAPER NUMBER
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2625

MAIL DATE	DELIVERY MODE
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12/26/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/647,273

Applicant(s)

HONDA ET AL.

Examiner

Dov Popovici

Art Unit

2625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 August 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 4, 7 and 10-21 is/are rejected.
- 7) ☒ Claim(s) 3, 5, 6, 8 and 9 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Dov Popovici
DOV POPOVICI
PRIMARY EXAMINER
ART UNIT 2625

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 8/13/04 and 10/19/05.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

Specification

The abstract of the disclosure is objected to because it contains legal phraseology often used in patent claims, such as "means" (see abstract, page 49, line 5).

Correction is required. See MPEP § 608.01(b).

Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 18-21 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claims 18-21 are claiming a program per se. Claims 18-21 are directed to non-statutory functional descriptive material. "Computer programs claimed as

computer listings per se, i.e., the descriptions or expressions of the programs, are not physical "things." They are neither computer components nor statutory processes, as they are not "acts" being performed. Such claimed computer programs do not define any structural and functional interrelationships between the computer program and other claimed elements of a computer which permit the computer program's functionality to be realized. In contrast, a claimed computer-readable medium encoded with a computer program is a computer element which defines structural and functional interrelationships between the computer program and the rest of the computer which permit the computer program's functionality to be realized, and is thus statutory. See Lowry, 32 F.3d at 1583-84, 32 USPQ2d at 1035. " " Since a computer program is merely a set of instructions capable of being executed by a computer, the computer program itself is not a process and USPTO personnel should treat a claim for a computer program, without the computer-readable medium needed to realize the computer program's functionality, as nonstatutory functional descriptive material" (see Interim Guidelines for Examination of Patent Applications for Patent Subject Matter Eligibility).

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claims 1-2, 4, 7 and 10-21 are rejected under 35 U.S.C. 102(a) as being anticipated by Applicant Admitted Prior Art (disclosed on page 1, line 14 to page 6, line 14).

As to claim 1, Applicant Admitted Prior Art (disclosed on page 1, line 14 to page 6, line 14) discloses an information processing apparatus (computer, page 1, line 16) for transferring data of a job (page 1, line 17) formed on the basis of application data to a printer (page 1, line 16) via interface means (page 1, line 15), comprising: discriminating means (page 2, lines 5-7 and page 3, lines 17-22) for discriminating a communication environment regarding said data transfer; and cancellation processing means (page 3, lines 17-26) *for*, when cancellation is instructed during said data transfer, cancelling said data transfer via said interface means by one of a plurality of cancelling methods on the basis of said communication environment discriminated by said discriminating means (see page 3, lines 17-26).

As to claim 2, Applicant Admitted Prior Art (disclosed on page 1, line 14 to page 6, line 14) discloses wherein said cancellation processing means shifts said printer to a state where the data transfer for a subsequent print job can be normally restarted (see page 2, lines 11-16).

As to claim 4, Applicant Admitted Prior Art (disclosed on page 1, line 14 to page 6, line 14) discloses wherein said discriminating means comprises:

discriminating means for discriminating a type of said interface means by using said data transfer (page 5, lines 4-15); print environment discriminating means for discriminating a print environment (page 3, lines 17-26); and cancelling method selecting means for selecting the cancelling method based on the discriminated type of said interface means and the discriminated print environment (page 3, lines 17-26), and wherein said cancellation processing means executes a cancelling process on the basis of a result of the selection by said cancelling method selecting means.

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As to claim 8, Applicant Admitted Prior Art (disclosed on page 1, line 14 to page 6, line 14) discloses wherein said cancelling methods include a method of transmitting a reset signal of the interface means or a method of transferring complementary data (see page 2, lines 2-16 and page 3, lines 17-26).

As to claim 10, Applicant Admitted Prior Art (disclosed on page 1, line 14 to page 6, line 14) discloses an information processing apparatus (computer, page 1, line 16) which can communicate with a printer (page 1, line 16), comprising: forming means *for* forming a job including print data based on application data; transmitting means for transmitting data of the job formed by said forming means to said printer; obtaining means for obtaining limitation information of cancellation of said job (page 3, lines 17-26 and page 5, lines 4-15); and cancellation processing means for executing a cancelling process of the job transmitted by said transmitting means by a cancelling method based on the

limitation information obtained by said obtaining means (page 3, lines 17-26 and page 5, lines 4-23) .

As to claim 11, Applicant Admitted Prior Art (disclosed on page 1, line 14 to page 6, line 14) discloses wherein a type of interface is included in said limitation information and said cancellation processing means executes the cancelling process by the canceling method based on the type of said interface obtained by said obtaining means (page 3, lines 17-26 and page 5, lines 4-23).

As to claim 12, Applicant Admitted Prior Art (disclosed on page 1, line 14 to page 6, line 14) discloses wherein a print environment is included in said limitation information and said cancellation processing means executes the cancelling process by the canceling method based on the print environment obtained by said obtaining means and the type of said interface (page 3, lines 17-26 and page 5, lines 4-23).

As to claim 13, Applicant Admitted Prior Art (disclosed on page 1, line 14 to page 6, line 14) discloses wherein printer information is included in said limitation information and said cancellation processing means executes the cancelling process by the canceling method based on said printer information and the type of said interface (page 2, lines 11-16 and page 3, lines 17-26 and page 5, lines 4-23).

As to claim 14, Applicant Admitted Prior Art (disclosed on page 1, line 14 to page 6, line 14) discloses wherein printer information is included in said

limitation information and said cancellation processing means executes the cancelling process by the canceling method based on said printer information obtained by said obtaining means (page 2, lines 11-16 and page 3, lines 17-26 and page 5, lines 4-23).

As to claim 15, Applicant Admitted Prior Art (disclosed on page 1, line 14 to page 6, line 14) discloses wherein said cancelling method corresponds to a resetting method and a reset by a reset signal and a reset by a transfer of complementary data are included in said resetting method (see page 2, lines 2-16 and page 3, lines 17-26).

As to claim 16, Applicant Admitted Prior Art (disclosed on page 1, line 14 to page 6, line 14) discloses a job processing method in an information processing apparatus (computer, page 1, line 16) having transmitting means for transferring data of a job formed on the basis of application data to a printer (page 1, line 16) via interface means (page 1, line 15), comprising: a discriminating step of discriminating a communication environment regarding said data transfer (page 2, lines 5-7 and page 3, lines 17-22); and a cancellation processing step of, when cancellation is instructed during said data transfer, cancelling said data transfer via said interface means by one of a plurality of cancelling methods on the basis of said communication environment discriminated in said discriminating step (page 3, lines 17-26).

As to claim 17, Applicant Admitted Prior Art (disclosed on page 1, line 14 to page 6, line 14) discloses a job processing method in an information

processing apparatus (computer, page 1, line 16) which can communicate with a printer (page 1, line 16), comprising: a forming step of forming a job including print data based on application data; a transmitting step of transmitting data of the job formed in said forming step to said printer; an obtaining step of obtaining limitation information of cancellation of said job (page 3, lines 17-26 and page 5, lines 4-15); and a cancellation processing step of executing a cancelling process of the job transmitted in said transmitting step by a cancelling method based on the limitation information obtained in said obtaining step (page 3, lines 17-26 and page 5, lines 4-23).

As to claim 18, Applicant Admitted Prior Art (disclosed on page 1, line 14 to page 6, line 14) discloses a program which is executed in an information processing apparatus (computer, page 1, line 16) having transmitting means for transferring data of a job formed on the basis of application data to a printer (page 1, line 16) via interface means (page 1, line 15), comprising: a discriminating step of discriminating a communication environment regarding said data transfer (page 2, lines 5-7 and page 3, lines 17-22); and a cancellation processing step of, when cancellation is instructed during said data transfer, cancelling said data transfer via said interface means by one of a plurality of cancelling methods on the basis of said communication environment discriminated in said discriminating step (see page 3, lines 17-26).

As to claim 19, Applicant Admitted Prior Art (disclosed on page 1, line 14 to page 6, line 14) discloses a program which is executed in an information

processing apparatus (computer, page 1, line 16) which can communicate with a printer (page 1, line 16), comprising: a forming step of forming a job including print data based on application data; a transmitting step of transmitting data of the job formed in said forming step to said printer; an obtaining step of obtaining limitation information of cancellation of said job (page 3, lines 17-26 and page 5, lines 4-15); and a cancellation processing step of executing a cancelling process of the job transmitted in said transmitting step by a cancelling method based on the limitation information obtained in said obtaining step (page 3, lines 17-26 and page 5, lines 4-23).

As to claim 20, Applicant Admitted Prior Art (disclosed on page 1, line 14 to page 6, line 14) discloses a memory medium in which a program for executing a job processing method in an information processing apparatus (computer, page 1, line 16) having transmitting means for *transferring* data of a job formed on the basis of application data to a printer (page 1, line 16) via interface means (page 1, line 15) has been stored in a computer-readable form, wherein said program comprises: a discriminating step of discriminating a communication environment regarding said data *transfer* (see page 2, lines 5-7 and page 3, lines 17-22); and a cancellation processing step of, when cancellation is instructed during said data transfer, cancelling said data transfer via said interface means by one of a plurality of cancelling methods on the basis of said communication environment discriminated in said discriminating step (see page 3, lines 17-26).

As to claim 21, Applicant Admitted Prior Art (disclosed on page 1, line 14 to page 6, line 14) discloses a memory medium in which a program for executing a job processing method in an information processing apparatus (computer, page 1, line 16) which can communicate with a printer (page 1, line 16) has been stored in a computer-readable form, wherein said program comprises: a forming step of forming a job including print data based on application data; a transmitting step of transmitting data of the job formed in said forming step to said printer; an obtaining step of obtaining limitation information of cancellation of said job (see page 3, lines 17-26 and page 5, lines 4-15); and a cancellation processing step of executing a cancelling process of the job transmitted in said transmitting step by a cancelling method based on the limitation information obtained in said obtaining step (see page 3, lines 17-26 and page 5, lines 4-23).

Allowable Subject Matter

Claims 3, 5, 6, 8 and 9 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:

Applicant Admitted Prior Art disclosed on page 1, line 14 to page 6, line 14, does not disclose, teach or suggest, cancelling method selecting means for selecting the cancelling method that is optimum to said communication environment on the basis of information which is obtained from an apparatus information database, and wherein said cancellation processing means has cancelling method switching means for switching the cancelling methods on the basis of a result of the selection by said cancelling method selecting means, as claimed in claim 3.

Claim 8 is objected to as being dependent upon objected to claim 3.

Applicant Admitted Prior Art disclosed on page 1, line 14 to page 6, line 14, does not disclose, teach or suggest, wherein said discriminating means comprises: interface discriminating means for discriminating a type of said interface means which is used for said data transfer or a communicating state of said interface means; print environment discriminating means for discriminating a current set print environment; and an apparatus information database for managing printer information for the printer on a data transfer destination side, and wherein said cancellation processing means selects the cancelling method on the basis of at least one of the discriminated type of said interface means, the discriminated communicating state of said interface means, and the discriminated print environment, as claimed in claim 5.

Applicant Admitted Prior Art disclosed on page 1, line 14 to page 6, line 14, does not disclose, teach or suggest, user interface means for displaying the plurality of cancelling methods which can be switched and selecting and instructing one of the canceling methods, and wherein said cancellation processing means cancels said data transfer by the selected and instructed cancelling method, as claimed in claim 6.

Claim 9 is objected to as being dependent upon objected to claim 6.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Onuma (U.S. 6,570,669) teaches an environment where a reset signal cannot be issued, a print stop can be realized, if a print stop command is detected, optimum complementry data is generated in accordance with delimiter information and the complementary data is transmitted to a printer (see abstract).

Sakamoto et al. (US 2002/0021453) teaches cancel a job without influence on subsequent other jobs when a cancel instruction is issued.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dov Popovici whose telephone number is 571-272-4083. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Coles can be reached on 571-272-7402. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Dov Popovici
Primary Examiner
Art Unit 2625